



City of Northampton, Massachusetts
Human Resources Department

POLICY & PROCEDURE
NUMBER 700-1

Effective Date: 6/9/97
Revision Date: 1/14/03

Sexual Harassment Policy

Policy:

It is the goal of the City of Northampton to promote a workplace that is free of sexual harassment. Sexual Harassment of employees occurring in the workplace or in other settings in which employees find themselves in connection with their employment, is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint, is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the City of Northampton takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free from sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Definition of Sexual Harassment:

In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- (b) such advances, request or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

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Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment, constitutes sexual harassment.

The legal definition of sexual harassment is broad and, in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- *unwelcome sexual advances—whether they involve physical touching or not;
- *sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, comment on an individual's sexual activity, deficiencies, or prowess;
- *displaying sexually suggestive objects, pictures, cartoons;
- *unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- *inquiring into one's sexual experiences: and
- *discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

Complaints of Sexual Harassment

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint, you may do so by contacting:

Glenda G. Stoddard
Assistant Director of Human Resources
240 Main Street, 2nd floor
Northampton, MA 01060
413-587-1257

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This person is also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

Sexual Harassment Investigation

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct, of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and, where it is appropriate, we will also impose disciplinary action.

Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination of employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC-300 days, MCAD-300 days).

1. The United States Equal Employment Opportunity Commission (EEOC), One Congress Street, 10th Floor, Boston, MA 02114, (617)565-3200.

2. The Massachusetts Commission Against Discrimination (MCAD):

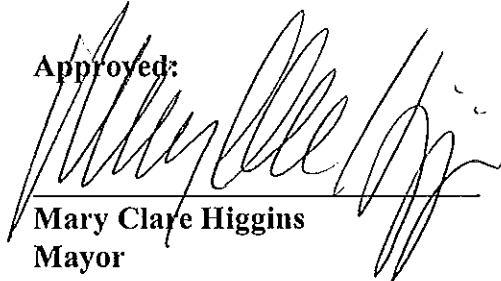
Boston office: One Ashburton Place, Room 601, Boston, MA 02108, (617)727-3990.

Springfield office: 424 Dwight Street, Room 220, Springfield, MA 01103, (413)739-2145.

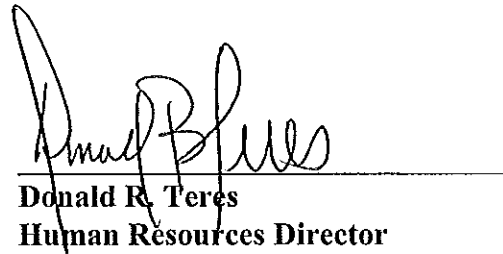
Worcester office: 22 Front Street, 5th Floor, P.O. Box 8038, Worcester, MA 01641, (508)799-6379.

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Approved:



Mary Clare Higgins
Mayor



Donald R. Teres
Human Resources Director

Revision History: 1/2003, 8/2002, 6/1997

**CITY OF NORTHAMPTON
MASSACHUSETTS**

Sexual Harassment Policy Receipt

Name: _____

Title: _____

Department: _____

I have received a copy of, and have read, the City of Northampton's Sexual Harassment Policy (1/2003 revision).

Employee's Signature

Date

NOTE: Return signed receipt form to the Human Resources Department